

LAKE COUNTY BOARD of ADJUSTMENT
June 14, 2017
Lake County Courthouse Commissioners Office (Rm 211)
Meeting Minutes

MEMBERS PRESENT: Don Patterson, Frank Mutch, Steve Rosso, Merle Parise, Mary Jensen

STAFF PRESENT: Jacob Feistner, Rob Edington, Wad Humphries, Lita Fonda, Clint Evenson, Wally Congdon

Frank Mutch called the meeting to order at 4:01 pm

SEMSAK-WALKER VARIANCE—CITY COUNTY (4:01 pm)

Wade Humphries presented the staff report. (See attachments to minutes in the June 2017 meeting file for staff report.)

Steve asked about the site plan. Wade pointed to attachment 3. He was not provided with a more detailed site plan. Steve referred to the possibility of a second variance being required because the garage was in the front rather than the rear yard and asked for some definition. Wade explained the front yard was considered the street off which the house was addressed. Frank observed this was 13th Avenue. The group discussed details of the configuration of the property and the road. Jacob clarified they were considering the south end to be the front yard of the property. It was hard to determine where 13th ended because it was never finished. The right of way continued past this property. Jacob listed another factor was that the County wanted to give the streets in this area to the City but the City had not accepted them. There was more to it. That was why a variance was a possibility but they were still looking into more things.

Merle asked about plans to convert to a city sewer system. Jacob said there'd been some discussion at a zone change meeting with the City. It sounded like they didn't have plans of running sewer at this time but were connecting some additional lots to water. Merle pointed to the second 'attachment 5' letter (from John Swift) containing mention of a discussion on extending the sewer to the adjacent property. Wade confirmed for Frank that the subject property was in the County and the permitting would be zoning conformance. Frank thought the garage appeared to be in the side yard.

Phyllis Walker said she didn't know permits were needed outside of the city when they built the garage and also the little hobby shop and goat barn. She understood she did the wrong thing and apologized for her lack of foresight. She thought her front door, which faced west, was the front and the garage was on the side. Her understanding was she was in an area zoning multiple-family and it was okay to have an accessory apartment if it was attached to the house. She asked that it be allowed even though it wasn't attached. Nothing else would be done to it. It was finished upstairs. People in transition had lived there without rent. She couldn't promise she'd never charge rent but she hadn't for 9 years. The bathroom was dry-walled and wired but there was no plumbing in the garage.

If she was going to update her house's septic system anyway, it would make sense to put the bathroom in the garage at the same time. It wouldn't change the configuration of the new septic. The plan to put in the bathroom was where this [process] started.

Phyllis didn't feel that she affected the neighbors. Some didn't realize she had a living space there. One neighbor wasn't concerned with the bathroom but was concerned with the people and she could understand that. Another neighbor didn't care about the bathroom and wanted to put one in his garage too. She'd advised him to talk to Planning about the permits first. Regarding John Swift's comments, he had the impression the City would pay for him to put sewer to where the actual roadway stopped. An irrigation ditch there would involve the Tribe and culverts. He didn't pursue the road going through. He really thought the City would put in the sewer line from 11th. She hadn't found something to back that up. If that were the case, she'd spend the \$12,000 that her septic would cost towards the \$20,000 that he believed it would cost to put in the sewer line from 11th to 13th. If the City sewer would come to the end of her property, that would make more sense. She hadn't heard that as a possibility from others. The hobby shop didn't meet setbacks and there wasn't a way to move it. The garage was on a cement foundation. They could fine her but that didn't make it in compliance. She didn't understand how she could comply.

Frank said that compliance was a separate subject. He thought the report said she'd have to come back for a setback variance. As far as the City paying for sewer, he wouldn't bet on it although it would be a good time for her to ask them. Phyllis didn't think she would. She'd been to the other zoning [meetings]. Steve thought the recorded variance would be what brought her into compliance. That variance would be after-the-fact. One option would be to move the building. That might not be the easiest thing to do.

Public comment opened: None offered. *Public comment closed.*

Motion made by Frank Mutch, and seconded by Don Patterson, to approve the variance as written and according to the findings and conditions in the staff report. Motion carried, all in favor.

GNOSE SETBACK VARIANCE—FINLEY POINT (4:28 pm)

Rob Edington introduced Mark Margheim, the current resident and son-in-law, and presented the staff report. (See attachments to minutes in the June 2017 meeting file for staff report.) He shared a staff note regarding a telephone call from the northern neighbor, Travis Korella, and his comments, concerns and overall support on the project. (See attachments to minutes in the June 2017 meeting file for staff note.)

Mark confirmed for Merle there were lights in or on the carport. Merle explained it was required that floodlights didn't pollute the area. Rob clarified that the requirement for lighting would be addressed as a condition in the zoning conformance report. Frank commented on the setback, where narrow lots would have a setback of 10% or 10 feet, if it was below a certain width. Those narrow lots were difficult to do much with. For this lot, 10% would be pretty close at 6 feet.

Mark Margheim spoke as a representative of the applicants. He thought things were well-stated. He'd had conversations with Travis Korella. They talked about the height. The contractor recommended 12-foot ceilings at a minimum. He showed the truss layout and the pitch, which would allow storage. Since it would be an open carport, it would be nice to have the enclosed storage in the ceiling. If they pitched that lower, they would only have about 7 feet of clearance in the storage area. He could talk to the contractor about it. It didn't sound like a no-go thing for Travis in talking with him. It was more of a question. Travis had also asked him if they could possibly move the structure a little farther to the west. The problem was their septic drainfield was up that way and they got into a lot more tree removal, including a landmark ponderosa pine. Rob reported Travis also would like it closer to his existing structure although he also recognized the septic and was okay with where it was proposed. Mark said when the excavator actually began working, they'd try to move it maybe 5 or 10 feet further west if that was possible.

Frank asked if Planning staff were involved with the issue of height and location. Rob noted the height would comply with zoning. The question would be if this was considered an expansion of a nonconforming structure, and that's where height would enter in. He deferred to Jacob for interpretation. Frank thought it was only a difference in pitch. Mark said it was a 12-foot ceiling plus the truss angle. They could do one of two things. They could go down to 10 feet. His concern was it might not be high enough to facilitate a larger boat than his current one. Also this pitch allowed them to have the storage area, which would be dry. Jacob commented that 20 feet was well within zoning. It was whether or not you viewed it as an opportunity to mitigate for impacts to the neighbors since it was within that setback. If the neighbors were requesting a lower height, they could look at that as a mitigation factor. As far as zoning, it was well within the parameter. Steve said since the structure didn't exist yet, it wasn't an expansion of a non-conforming structure.

Merle asked how the ridge height of the cabin compared to that of the proposed carport. Mark thought the cabin would be very close to the 20 feet. Steve brought up a stormwater issue to work out. With the ridge running parallel to the [property] line, there would be runoff along that edge closest to the property line. Mark asked if gutters would comply. Things sloped towards the lake and to the south so his northern neighbor would not be impacted by runoff. Steve checked that the drip line would be at 5 feet. Jacob observed that with a 10/12 pitch, there would be enough velocity that it could reach 5 feet. Frank asked what the soils were like. Mark replied it was very rocky. Things percolated down fairly well. Rob noted there was a fairly tall fence and natural brush there now. Mark said they wanted to leave as much natural vegetation as possible. They would have to clear some.

Public comment opened: None offered. Public comment closed.

Motion made by Steve Rosso, and seconded by Mary Jensen, to approve the variance and accept the findings of fact and conditions as stated in the staff report. Motion carried, all in favor.

LAZY WHEELS SETBACK VARIANCE (4:46 pm)

Rob Edington introduced Larry Berry, who was one of the owners, and presented the staff report. (See attachments to minutes in the June 2017 meeting file for staff report.)

Merle asked about the private homes in the area, referring to the top photo of attachment #7. Rob said there was a home to the north. Nothing was close. There were homes on the neighboring property beyond that point. Merle was concerned that the snow from the pitched roof would be dumped on the road in winter conditions. Rob clarified that this was the applicant's road and responsibility. The new structure would be 5 feet further away from the other road.

Larry Berry agreed with the report. They wanted a building for storing boats inside.

Steve asked about the eave of the building. Larry said it was right to the wall with no long eave. He verified for Steve that it would not be a problem if the Board added a condition that the eave be less than a foot. Steve thought that would give some control of the drip line. If the wall was within 5 feet, the drip line would be closer than that to the property line and the neighbor's driveway. Two-foot eaves were often standard and would put the drip line within 3 feet and might be a problem. Larry said it cost \$2000 more to do [the two-foot eave].

Larry updated that they'd found the property line and the setback was actually closer to 8 feet than 5 feet. He confirmed they wouldn't be going all the way to 5 feet if the variance was granted. Frank asked if there was a change in the variance wanted. Steve said not necessarily. They were doing the right thing. Larry said they would have it surveyed before they built. They found this line by talking with the neighbor.

(No public left to comment)

Motion made by Steve Rosso, and seconded by Frank Mutch, to grant the variance and accept the findings of fact and conditions, with the addition to condition #3 after '80 feet' of 'with a maximum 1-foot eave', within the existing parenthesis. Motion carried, all in favor.

MINUTES (5:02 pm)

Motion made by Frank Mutch, and seconded by Merle Parise, to approve the July 13, 2016 meeting minutes as written. Motion carried, all in favor.

OTHER BUSINESS (5:03 pm)

Steve commented that a complete and clear site plan was very helpful. The group discussed this briefly, including dealing with unusual lot shapes and aerial imagery. Frank commented the staff did a great job.

Frank Mutch, chair, adjourned the meeting at 5:07 pm.